

ROUTING AND TRANSMITTAL SLIP			10 MAY 1966
TO: (Name, title, grade, room number, building, Agency/Post)			From: (Name, title, grade, room number, building, Agency/Post)
1. DD/OIS			10 MAY 1966
2. D/OIS			20 MAY 1966
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Action	File	Transmit and Return	
Approval	For Clearance	For Dissemination	
As Requested	For Correction	For Reply	
Discontinue	For Your Information	For File	
Comment	Investigate	Classify	
Classification	Justify		
REMARKS			

DO NOT use this form as a RECORD of approvals, concurrences, disapprovals, objections, and similar actions

From: (Name, title, grade, room number, building, Agency/Post)	Open No. ---
	Form No. ---

5041-102

U.S.G.P.O.: 1965-421-529/320

OPTIONAL FORM 61 (Rev. 7-70)
GSA GEN. REG. NO. 27

Central Intelligence Agency



Washington, D.C. 20505

14 May 1985

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This is a final response to your fee waiver appeal concerning your Freedom of Information Act (FOIA) request for Central Intelligence Agency (CIA or Agency) records on Vitaly Yurchenko. The Agency initially denied the fee waiver for your request because it would not primarily benefit the public. That decision has been affirmed on appeal.

In deciding your appeal, the Agency, in accordance with established CIA and Department of Justice regulations, has considered a number of factors relating to whether your request would primarily benefit the public and therefore justify a fee waiver.

One factor the Agency considered was whether you have sufficient means to make available to the public any information that might be disclosed. The Agency notes that you are currently incarcerated, that you have no apparent connection with the news media (which you mention in your complaint as the recipient of any disclosed material), and no apparent access to the facilities or personnel that might enable you to disseminate this information through some mechanism other than the news media. Thus it appears that even if your request yielded useful information of public interest, you are not currently in a position to disseminate it effectively to the public.

Another factor the Agency considered was what information, if any, would be disclosed in response to your request -- considering the applicable FOIA exemptions and the CIA Information Act of 1984 which exempts CIA operational files from the search and disclosure provisions of the FOIA -- and whether any disclosed information would be sufficiently useful to conclude that your request would primarily benefit the public. With the return of Mr. Yurchenko to the Soviet Union and the subsequent public and Congressional debate, the Agency made public certain relevant information necessary to an understanding of the matter in the form of a two-page biographic summary on Mr. Yurchenko, his career and defection

to the United States. This was made available to you free of charge by letter dated 2 December 1985. Subsequently, in response to your fee waiver request, the Agency made a preliminary assessment of the information on Mr. Yurchenko which would be subject to release considering the applicable FOIA exemptions and the CIA Information Act of 1984 which exempts CIA operational files from the search and disclosure provisions of the FOIA. The Agency concluded that the majority of the information maintained was sensitive and exempt from disclosure under FOIA and that most if not all of what was not exempt was contained in the biographic summary which you already have. As a result, the Agency concluded that any information disclosed to you would be of such limited public use as to not primarily benefit the public.

In light of the foregoing factors, and in accordance with the CIA and Department of Justice regulations regarding the granting of fee waivers, I have concluded that the decision to deny your fee waiver request should be, and hereby is, affirmed.

Since the Agency has denied your fee waiver, it cannot begin to process your request until it has your commitment to pay all search and reproduction fees incurred. As we advised you in our previous correspondence, search fees run about \$100 per search item. If you would like a more precise estimate before your request is processed, we would be happy to provide you with one. Also, you may elect to authorize a search up to a certain amount but no more. In that case, your search would be processed until the fees accumulate to the designated amount; the search would then cease until we received your commitment to pay additional fees. Please let me know how you wish to proceed. Your request is being held in abeyance until we receive your commitment to pay search fees as outlined above.

Sincerely,

A rectangular box with a thin black border, used to redact the signature of the Executive Secretary.

Executive Secretary
Information Review Committee

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IPD/LSS/pac/12 May 1986
modified by ois/la and c/ipd

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